

RIVERA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LAYOTA NEWKIRK,

Plaintiff(s),

-against-

COUTNY OF SUFFOLK, CHRISTOPHER A. MC COY, in his
official and individual capacities, and MARK PAV,
in his official and individual capacities,

Defendant(s).

----- x
100 Veterans Memorial Highway
Hauppauge, New York
March 11, 2020
9:44 a.m.

DEPOSITION OF DELFINA RIVERA, a Non-Party
Witness to the Within Action, taken by Respective
Parties, pursuant to Federal Rules and Regulations,
and Agreement, held at the above-noted time and
place, before Lisa Conway, a Stenotype Reporter and
Notary Public within and for the State of New York.



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A P P E A R A N C E S:

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BY: BRIAN MITCHELL, Assistant County
Attorney

ALSO PRESENT:

Mark Pav

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S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the respective parties herein, that filing, sealing and certification shall be and the same are hereby waived.

IT IS FURTHER STIPULATED AND AGREED that all objections, except as to form of the question, shall be reserved to the time of the trial.

IT IS FURTHER STIPULATED AND AGREED that the within deposition may be signed and sworn to before any officer authorized to administer an oath, with the same force and affect as if signed and sworn to before the Court.

1

2 D E L F I N A R I V E R A, the Witness

3 herein, having first been duly sworn by the

4 Notary Public, was examined and testified

5 as follows:

6 EXAMINATION BY

7 MR. BROWN:

8 Q State your name for the record, please.

9 A Delfina Rivera.

10 Q State your address for the record, please.

11 MR. MITCHELL: Your business address.

12 A 30 Yaphank Avenue, Yaphank, New York

13 11980.

14 Q Officer Rivera, my name is Michael Brown.

15 I'm one of the attorneys for the Plaintiff in this

16 matter. I'm going to be asking you a series of

17 questions. There's just a few rules that apply.

18 Firstly, just wait until my question is finished

19 before you give a response so the court reporter can

20 take everything down. All of the answers have to be

21 verbal, so a gesture of the hand can't be taken down

22 so you just have to verbalize every answer. And

23 lastly, if you want to take a break at any time,

24 please let me know, but while there's an open,

25 pending question, just give us an answer before you

1 DELFINA RIVERA

2 take a break, okay, if you want to speak to
3 Mr. Mitchell at any point?

4 A Okay.

5 Q Are you currently employed with the Suffolk
6 County Police Department?

7 A Yes.

8 Q Where are you assigned to?

9 A Headquarters.

10 Q When did you start with Suffolk County
11 Police Department?

12 A 2015.

13 Q Where were you initially assigned?

14 A First Precinct.

15 Q How long were you in the academy for?

16 A Seven months.

17 Q When did you start that?

18 A September.

19 Q Of?

20 A 2015.

21 Q All right.

22 When did you graduate the academy?

23 A April.

24 Q Of 2016?

25 A Correct.

1 DELFINA RIVERA

2 Q You were first assigned, you said, to the
3 First Precinct?

4 A Right.

5 Q What were your responsibilities there?

6 A A patrol officer.

7 Q Did you work with a partner or by
8 yourself?

9 A By myself.

10 Q For how long did you work at the First
11 Precinct for?

12 A Couple of months.

13 Q When you say a couple of months, do you
14 remember when you were reassigned?

15 A I know it was sometime in the summer, I was
16 transferred to headquarters.

17 Q Of 2016?

18 A I believe it was a couple -- yes.

19 Q I just want to make sure we're
20 understanding. So April of 2016 you graduated the
21 academy?

22 A Yes.

23 Q And you were in the First Precinct for a
24 few months?

25 A Yes.

1 DELFINA RIVERA

2 Q So sometime in the summer of 2016 is when
3 you were reassigned to headquarters?

4 A Yes, sometime after that. I don't know
5 exactly if it was a year or a couple of months
6 afterwards.

7 Q Let me go forward and maybe we can kind of
8 figure out the timetable.

9 The incident you're here for occurred on
10 March 16th of 2017. At that point, were you still
11 assigned to the First Precinct?

12 A Yes.

13 Q Do you remember how far after the incident
14 that you're here for you were transferred, was it a
15 month after, six months after or something else?

16 A I don't recall if it was a month -- a
17 couple of months after or the following year in the
18 summer. I know it was in the summer.

19 Q But the March 16, 2017 date, you were still
20 assigned to the First Precinct?

21 A Correct.

22 Q You don't know the date when you were
23 reassigned out of the First Precinct?

24 A Correct.

25 Q But you were reassigned to headquarters?

1 DELFINA RIVERA

2 A Correct.

3 Q That is where you are currently employed
4 now?

5 A Correct.

6 Q What department or borough are you in in
7 headquarters?

8 A Community relations borough.

9 Q In the communications relations borough,
10 what is your responsibility or responsibilities?

11 A I'm the community liaison officer of the
12 Fifth Precinct.

13 Q What does that entail?

14 A I'm the outreach officer with the
15 community.

16 Q When you say outreach with the community,
17 just briefly describe what you do.

18 A I go to civic meetings. We do programs for
19 the youth. We speak to the communities. We join the
20 Madres Latinas meetings. We do a lot of civic
21 meetings, association meetings, precinct community
22 meetings. I do the police explorer's program.

23 Q That's with the children?

24 A Yes.

25 Q How is it you got reassigned, did you

1 DELFINA RIVERA

2 apply, is that a promotion or something else?

3 A There was a position open at the Fifth
4 Precinct for the community liaison and I put in for
5 it.

6 Q Did you have an interview for it?

7 A I did.

8 Q Since the time that you've been assigned to
9 the headquarters, you've been this community
10 relations liaison for the Fifth Precinct the entire
11 time?

12 A Correct.

13 Q So going back to the First Precinct, I
14 think you said you started in April of 2016?

15 A Correct.

16 Q The incident that we're here for is
17 March 16, 2017. Do you recall if you were on duty on
18 that date?

19 A Yes.

20 Q What was your tour that day?

21 A I believe it was 7:00 to 3:00.

22 Q Before you came into this EBT, did you have
23 an opportunity to review any of your documents in
24 regards to that day?

25 A I did.

1 DELFINA RIVERA

2 Q What did you have an opportunity to
3 review?

4 A The FBI.

5 Q Their report --

6 A Their report.

7 Q -- of their conversation with you?

8 A Yes.

9 Q Which was two pages; is that right?

10 A Correct.

11 Q Other than that, did you review anything
12 else?

13 A No.

14 Q Do you have a memo book?

15 A I do.

16 Q When you make searches of anybody, do you
17 note that in your memo book?

18 A Yes.

19 Q Did you have an opportunity to review your
20 memo book at any time, prior to coming in today?

21 A Review it, no.

22 Q Do you know if you made an entry in your
23 memo book in regards to this search?

24 A I believe I did.

25 Q Now, you indicated you thought you were

1 DELFINA RIVERA

2 working a 7:00 to 3:00 tour. At some point in time,
3 did you get called to the precinct to do a search?

4 A Yes.

5 Q Do you recall what time that call came
6 in?

7 A No.

8 Q Do you recall who asked you to come to the
9 precinct?

10 A Dispatch.

11 Q What was the call?

12 A To come into the precinct for a female
13 search.

14 Q Is that something you've done before?

15 A Yes.

16 Q How many times do you think you've done
17 that, prior to this date of March 16, 2017?

18 A Several times.

19 Q Several meaning two, five, ten, twenty or
20 something else?

21 A Probably ten.

22 Q What would the reason be for you coming in
23 to do a search?

24 A I was the closest vehicle to the
25 precinct.

1 DELFINA RIVERA

2 Q But, in other words, why would they call a
3 female in to do a search?

4 A Because it was another female prisoner.

5 Q What is your understanding of the rules and
6 procedures of the Suffolk County Police Department
7 when it comes to female searches?

8 MR. MITCHELL: I object to the form.
9 You can answer.

10 A Females are to search females.

11 Q Do you know why females are to search
12 females? Do you know why that is in place?

13 A It's more because a male shouldn't be
14 touching a female.

15 Q Why shouldn't a male be searching a
16 female?

17 MR. MITCHELL: Object, but you can
18 answer.

19 A It's the opposite sex.

20 Q When you say search, what does a search
21 entail? Tell us normally. We'll get to this a
22 minute, but when you get called in, what is your
23 procedure? What do you do?

24 A I get the female. I would take her to the
25 female cell, search the female and I'll take her back

1 DELFINA RIVERA

2 to the room.

3 Q When you say "the room," what do you mean
4 by "the room"?

5 A Or wherever was the processing room or
6 wherever I picked up -- wherever I got the prisoner
7 from.

8 Q When you say search, describe what you mean
9 by search? What does that entail?

10 A The search will be checking the collar,
11 making sure there's nothing in the collar, asking the
12 prisoner to shake her bra without showing and check
13 the bottom portion, make sure there's nothing on
14 her.

15 Q When you say bottom portion, what are you
16 referring to?

17 A Making sure there's nothing on the legs,
18 nothing that she's hiding, her feet, her toes, she's
19 not hiding anything in between her toes.

20 Q Anything else?

21 A Then I'll take her back to the room.

22 Q Correct me if I'm wrong, the search is the
23 collar area?

24 A Hair, ears, mouth, underneath the tongue.

25 Q So the hair, the ears, the mouth underneath

1 DELFINA RIVERA

2 the tongue?

3 A Yes.

4 Q The collar area?

5 A Yeah.

6 The arms, make sure there's nothing there,
7 the arms.

8 Q Do you shake their bra or you have them
9 shake their bra?

10 A They shake it.

11 Q So your hands would not be at the bra at
12 any point in time?

13 A No.

14 Q When you say you have them shake their bra,
15 what exactly do you instruct them to do?

16 A Just pick it up without showing me their
17 private part and just shake it like that
18 (indicating).

19 Q You're indicating for the record that they
20 would grab the bottom portion of the bra?

21 A Yeah.

22 Q And pull it off their body forward?

23 A Forward and then just shake it.

24 Q Shake it?

25 A Don't lift it up, just shake it.

1 DELFINA RIVERA

2 Q When you say don't lift it up, so that the
3 breast area is not exposed?

4 A Correct.

5 Q Do you tell them how long they should shake
6 it for?

7 A No.

8 Q The goal on them shaking that bottom
9 portion without revealing their breasts is what?

10 A Make sure they have anything underneath
11 their bra, hiding anything underneath their bra.

12 Q Okay.

13 Do you ask them to do anything with the top
14 portion of their bra.

15 A No.

16 Q Do you ask them to do anything with the
17 straps of the bra?

18 A No.

19 Q Then you also indicated under their arms.
20 So how do you check under their arms?

21 A I would touch their arms. I have gloves
22 on, so I would touch their underarms, make sure that
23 there's nothing in there.

24 Q When you check under the arms, do you say
25 anything to them?

1 DELFINA RIVERA

2 A No.

3 Q In other words, do you have them lift their
4 arms up?

5 A Yes.

6 Q So do you say anything?

7 A I tell them to lift their arm.

8 Q When you check underneath the arms, what
9 portion of your hand are you using?

10 A My palm, this (indicating).

11 Q You're indicating --

12 A I'm sorry. This (indicating).

13 Q The top portion?

14 A The top portion.

15 Q Of the hand?

16 A Yeah.

17 Q Not the palm, but the top portion?

18 A Yeah, top portion.

19 MR. MITCHELL: Just for the record,
20 the back of your hand?

21 THE WITNESS: Yes.

22 MR. MITCHELL: Okay. Go ahead.

23 Q What do you do with the back of your hand?
24 What exactly do you do with it in regards to their
25 arms?

1 DELFINA RIVERA

2 A I just make sure that there's nothing
3 there, they're not hiding anything.

4 Q How do you do that?

5 A I just make --

6 Q Just describe for us what you do.

7 A I just make sure that there's nothing
8 hidden underneath, and I'll just make sure that I put
9 my hand just to make sure that there's nothing
10 pointy, that they're not hiding any syringes or
11 anything like it that.

12 Q You're indicating you're taking the back of
13 your hand and rubbing it long their arms?

14 A Yes.

15 Q Is that the armpit area?

16 A Yes.

17 Q How far down, if at all?

18 A That's it.

19 Q Just the armpit?

20 A Just the armpit.

21 Q Other than the underarm area, you mentioned
22 also about the legs and toes and feet?

23 A Yes.

24 Q You also mentioned about the waist area?

25 A Yeah.

1 DELFINA RIVERA

2 Q Tell me about the waist area. What is the
3 way to search on the waist area?

4 A I would just make sure that there's nothing
5 in the middle, in their pants seam on the top, make
6 sure that there's nothing there.

7 Q How do you do that?

8 A I would just check.

9 Q When you say check, do you take your hands
10 and do anything with your hands?

11 A Yes, I would touch the seam of the pants
12 with my hands and just make sure that there's nothing
13 hidden inside the seams (indicating).

14 Q You're indicating around the entire area
15 the circumference, so to speak --

16 A Yes.

17 Q -- from front, back, side?

18 A Yes.

19 Q After you do the waistband, do you go
20 further below the waist area?

21 A Yes, I'll check the ankles and the feet.

22 Q I didn't hear the first part.

23 A I'll check their ankles to see the ankles
24 of the pants, and I will also check their feet, tell
25 them to lift up their feet. If they have socks on, I

1 DELFINA RIVERA

2 will tell them to take off their socks inside out and
3 not to shake.

4 Q That's for the feet and the ankles?

5 A Yes. So, when it comes to the feet, I will
6 tell them to remove their socks without shaking it,
7 inside out.

8 Q Are they cuffed at this point or
9 uncuffed?

10 A Uncuffed.

11 Q While doing the search, we're not talking
12 about this particular search, but just in general, is
13 there anyone supervising, watching you, assisting
14 in any way?

15 A No.

16 Q You're doing it by yourself?

17 A For this search? Any search?

18 Q Normally how you search a female?

19 A It will be by myself.

20 Q Is it within the female cell?

21 A Yes.

22 Q Is the cell locked?

23 A There's a door that we close.

24 Q While you're doing this search, is that
25 door locked?

1 DELFINA RIVERA

2 A It's closed.

3 Q But it's not locked?

4 A No.

5 Q Is there a way to close the door and it
6 remains unlocked versus it always being locked?

7 A No, there's no way to lock the door.

8 Q So this is a cell in the precinct?

9 A Yes.

10 Q The door that you can close doesn't have a
11 way to lock?

12 A No, I don't believe it has a lock.

13 Q You mentioned about the waistband and you
14 mentioned about the feet and ankles. How about the
15 buttocks, the thighs, the hamstrings, the knees. Any
16 other things you do in with regards to that area?

17 A I would have to pat them just to make sure
18 that they don't have anything in their pants.

19 Q Tell us how you do that.

20 A That I would make sure, I'll just go down,
21 make sure that there's nothing that they have
22 (indicating).

23 Q You're indicating with two hands and you
24 rub your two hands along their thigh and calf area?

25 A Yeah, just to make sure.

1 DELFINA RIVERA

2 Q Do you do it to each of the two legs?

3 A Yes.

4 Q Do you do it open palm, with the back of
5 your hand or something else?

6 A I would do the back of my palm.

7 Q Again, the back of your hand?

8 A Yeah.

9 Q You would rub that along both the inside,
10 outside?

11 A Yes.

12 Q Do you also go on the inside by the groin
13 area at all?

14 A Just to check, yes.

15 Q How do you do that?

16 A I do the same procedure with the palm, make
17 sure that there's nothing.

18 MR. MITCHELL: When you say the palm,
19 you mean the back of your hand?

20 A The back of my hand. Sorry.

21 Q How do you do that on the groin area?

22 A I will go with the back of my palm and just
23 go down the same way I would have done the back of
24 the legs.

25 Q With two hands or one hand?

1 DELFINA RIVERA

2 A It will be now with one hand.

3 Q What about the buttocks, anything by the
4 buttocks?

5 A I would just make sure that there's nothing
6 there with the waist.

7 Q How do you do that?

8 A Check the waistband.

9 Q Is there any type of cavity search that's
10 done?

11 A No.

12 Q Anything else that's involved in the search
13 other than what you've just told us on a general
14 basis?

15 A The toes.

16 Q What do you do with the toes?

17 A I tell them to open up the toes, make sure
18 that they're not hiding anything in between.

19 Q Anything else?

20 A No.

21 Q You did mention the hair, I think. How do
22 you check or search the hair?

23 A I will put my fingers in between their hair
24 just to make sure they're not hiding anything in
25 their hair.

1 DELFINA RIVERA

2 Q When you say fingers, do you put gloves on
3 at the beginning of the search?

4 A Yes.

5 Q When you say you put your fingers in their
6 hair, describe exactly what you do. Do you rub it
7 through their hair? Do you grab their hair? How do
8 you go through the hair?

9 A Like a rub. Like a little massage, you can
10 say, just to make sure that there's nothing there,
11 and then I will proceed and check the back of the
12 ear.

13 Q Now, were you trained in search at any
14 point in your career including the academy?

15 A Yes.

16 Q Where did you get your training?

17 A Suffolk County police academy.

18 Q How long did the training on searching
19 last?

20 A I don't recall.

21 Q Was it more than a day, a week, a month?

22 A I don't recall.

23 Q When you were trained in searching, were
24 you trained with other cadets or by yourself?

25 A Other cadets.

1 DELFINA RIVERA

2 Q When you were trained with other cadets,
3 would there be males and females in the same class,
4 or did they separate where it was same gender for the
5 class?

6 A Same gender.

7 Q So when you were trained, you were with the
8 female cadets?

9 A I'm sorry. Females and males.

10 Q So it would be mixed?

11 A Mixed.

12 Q In the academy, was there any
13 differentiation between how a male searches an
14 individual versus how a female searches an
15 individual?

16 A No.

17 Q You understand my question?

18 A Yes. It was one class given to both
19 genders.

20 Q My question was did they make a distinction
21 between when a male officer is going to search
22 somebody versus how a female officer would search
23 somebody?

24 A No.

25 Q Since the training at the academy, Officer,

1 DELFINA RIVERA

2 have you received any retraining in how to search
3 somebody?

4 A No.

5 Q Over your career, how many searches do you
6 think you've made?

7 A Probably 10.

8 Q The search that you just told us about in
9 terms of your training, when would you perform that
10 search if you were the arresting officer; in other
11 words, would you make that search on the road, would
12 you make it in the car, would you make it in the
13 precinct or something else?

14 A As the arresting officer?

15 Q You've made arrests before, right?

16 A Yes.

17 Q When you make the arrest, tell us when you
18 search somebody.

19 A When I make the arrest, I would just make
20 sure that they don't have anything in their pants
21 before going in the car with me and I would do the
22 search inside the precinct.

23 Q So the search on the road is different than
24 the search we've talked about in the precinct?

25 A Yes.

1 DELFINA RIVERA

2 Q So the search on the road that you said you
3 would go into their pants before --

4 A Make sure they don't have anything in their
5 pants.

6 Q Tell us how you would do that.

7 A Their pockets would be inside out just to
8 make sure that there's nothing in their pockets.

9 Q So the pockets would be turned inside
10 out?

11 A Yeah.

12 Q Would there be any other portions of their
13 body that you would search roadside?

14 A No.

15 Q What would the reason for doing the inside
16 out of the pocket search roadside?

17 A Safety reasons.

18 Q When you say safety reasons, what exactly
19 are you talking about? What are you looking for?

20 A Making sure he doesn't have a weapon, that
21 he could hurt himself or myself while driving back to
22 the precinct.

23 Q So other than the search for weapons within
24 the pant pockets, there's nothing else you would do
25 roadside?

1 DELFINA RIVERA

2 A No.

3 Q If it was a female who you were arresting,
4 would that be any different, roadside?

5 A No.

6 Q Still just the search in the pant
7 pockets?

8 A Yes.

9 Q Were you taught that in the academy?

10 A Yes.

11 Q Do you know if that's the procedure of the
12 Suffolk County Police Department?

13 MR. MITCHELL: I'll object.

14 You can answer.

15 MR. BROWN: What is the objection on
16 that, just so I understand why?

17 MR. MITCHELL: The form of your
18 question, you're asking her about a general
19 procedure and I don't think she's
20 competent to answer that, but I'm allowing
21 her to answer.

22 MR. BROWN: Okay.

23 A I'm sorry?

24 Q Do you know what the rules and procedures
25 and policies are of the Suffolk County Police

1 DELFINA RIVERA

2 Department in terms of searching somebody after an
3 arrest roadside?

4 A Roadside? Can you repeat it?

5 Q Are you familiar with what the rules and
6 procedures and policies are for when you make an
7 arrest in searching that arrestee roadside?

8 A Yes.

9 Q What is that, what you just told us?

10 A Yes.

11 Q Is there anything else you're required to
12 do, just on searching I'm talking?

13 A No.

14 Q How many arrests have you made?

15 A Five maybe.

16 Q Now, I want to go back to the March 16,
17 2017 incident when you were called to the precinct.

18 A Okay.

19 Q You indicated you received a dispatch call,
20 you don't recall the time?

21 A No.

22 Q When you received that call, do you
23 remember how long it took you to get to the
24 precinct?

25 A Not more than five minutes.

1 DELFINA RIVERA

2 Q Do you remember where you were located when
3 you received the call?

4 A I was in the 101 sector.

5 Q Where specifically in the 101?

6 A Farmingdale.

7 Q Do you remember specifically where in
8 Farmingdale you were when you received the call?

9 A No.

10 Q So now when you got the call, what did you
11 do?

12 A I acknowledged the call and I went to the
13 precinct.

14 Q When you say you acknowledged the call, how
15 do you that?

16 A Say 10-4.

17 Q Over the radio?

18 A Over the radio.

19 Q Then you reported to the First Precinct?

20 A Correct.

21 Q Where did you park your car; do you
22 remember?

23 A The rear parking.

24 Q How did you enter the building?

25 A Rear door.

1 DELFINA RIVERA

2 Q When you say the rear door, is that the
3 detective squad door?

4 A No, that's where all the personnel...

5 Q So when you walked into the rear door,
6 where did you go?

7 A I went to put my weapon away.

8 Q So you secured your weapon?

9 A Yes.

10 Q Where did you do that at?

11 A As soon as you go into the door, there's
12 the safe and I put it in there.

13 Q Is it a specific safe for you, or is it for
14 everybody?

15 A It's for everybody.

16 Q So you secured your service weapon?

17 A Yes.

18 Q Anything else you secured?

19 A My taser.

20 Q About how long did that take?

21 A A minute.

22 Q After you secured your taser and your
23 weapon, what did you do next?

24 A I went to the room.

25 Q When you say the room, tell us what room

1 DELFINA RIVERA

2 that is?

3 A It was juvenile room.

4 Q How did you know to report to the juvenile
5 room?

6 A I saw one of the officers coming out of the
7 room and said, "She's in there."

8 Q Okay.

9 When you say one of the officers, who are
10 you referring to?

11 A Officer Pav.

12 Q The gentleman who is sitting next to
13 Mr. Mitchell?

14 A Yes.

15 Q When you secured your weapon and taser, at
16 that point in time, did you know where you were going
17 to go to? Did you know specifically who you were
18 searching and where you were going to search them?

19 A When I went in originally?

20 Q Right.

21 A No.

22 Q When is it that Officer Pav told you there
23 she is or something to that effect, when you were
24 securing your weapon or some other time?

25 A Actually, when I was on my way to secure my

1 DELFINA RIVERA

2 weapon, he comes out of the room and said, "There she
3 is."

4 Q As you were going to secure your weapon?

5 A Yes.

6 Q So from the door that you entered, the rear
7 door, to where you secure your weapon, how much of a
8 distance is that?

9 A Couple of feet, it's not far away.

10 Q From where you secure the weapon to where
11 Officer Pav was located, how far of a distance was
12 that?

13 A Just a couple of feet.

14 Q You indicated Officer Pav said there she is
15 or something to that effect. When he said that to
16 you, where was he in relation to that juvenile room
17 we were talking about?

18 A He was coming out of the room.

19 Q When he said to you there she is, did you
20 acknowledge him in any fashion?

21 MR. MITCHELL: I'm going to object to
22 the form.

23 You can answer.

24 A Yes.

25 Q What did you say?

1 DELFINA RIVERA

2 A Okay.

3 Q What did you do at that point? Where
4 did you go?

5 A I proceeded to put my weapons away and went
6 to the room.

7 Q You mean the juvenile room?

8 A Correct.

9 Q Did you see where Officer Pav went at that
10 point after he said to you what he said?

11 A No.

12 Q You didn't notice what direction he went?

13 A No.

14 Q Did he go back into that room?

15 A No.

16 Q So now you indicated you went into the
17 juvenile room?

18 A Correct.

19 Q When you went into the juvenile room, who,
20 if anybody, was in that involve room?

21 A There was another officer there.

22 Q Who was that other officer?

23 A Officer --

24 Q Was it McCoy?

25 A Yes.

1 DELFINA RIVERA

2 Q Was anybody else in the room with Officer
3 McCoy?

4 A No.

5 Q Was the arrestee in the room?

6 A Yes.

7 Q So there was somebody else, right?

8 A Yes.

9 Q That was Ms. Newkirk? Do you even know her
10 name?

11 A No.

12 Q Let's talk about the female. Was it a male
13 or female?

14 A Female.

15 Q That's why you were there, right?

16 A Uh-huh.

17 Q Can you describe the female, how about her
18 skin color?

19 A African-American.

20 Q Do you recall how tall she was?

21 A No.

22 Q Do you recall how heavy she was?

23 A No.

24 Q So when you walked in the room, just
25 describe for us, do you make a left, a right or

1 DELFINA RIVERA

2 something else as you're going from securing your
3 weapon to that juvenile room?

4 A Straight.

5 Q It's straight in front of you?

6 A Well, I would have to turn around from the
7 box and walk a couple of inches and make a right to
8 the room.

9 Q So when you make a right into the room,
10 Officer, describe for us what you see to the left
11 right in front of you. Just describe who's where.

12 A I don't recall.

13 Q Are you familiar with the juvenile room,
14 though?

15 A Not really.

16 Q Was there any furniture in the juvenile
17 room, a desk, a computer, a chair, anything like
18 that?

19 A A table.

20 Q So you recall a table?

21 A Yes.

22 Q How big was this juvenile room? Is it
23 bigger than the room we're sitting in here?

24 A I don't recall the size.

25 Q Do you have a juvenile room in the Fifth

1 DELFINA RIVERA

2 Precinct?

3 A I don't go back there.

4 Q Did you walk into the juvenile room?

5 A Yes.

6 Q Do you recall where officer McCoy was, was
7 he to your left, your right, in front of you?

8 A I don't recall.

9 Q Do you recall where Ms. Newkirk was?
10 Ms. Newkirk is the arrestee for our purposes.

11 A Okay.

12 Q Do you recall where she was?

13 A No.

14 Q Do you recall if she was handcuffed?

15 A Yes.

16 Q Do you recall what Officer McCoy was
17 wearing?

18 A No.

19 Q Do you know if he was wearing a uniform?

20 A No, I don't recall.

21 Q When you walked in, what was the first
22 thing that you did?

23 A I handcuffed her.

24 Q I had asked you if she was handcuffed when
25 you first went in, so I just want to clarify. Was

1 DELFINA RIVERA

2 she handcuffed already?

3 A Yes.

4 Q You said you handcuffed her?

5 A No, I did not handcuff. I un-handcuffed
6 her.

7 Q I'm sorry, I didn't hear that. You
8 un-handcuffed her?

9 A Yes.

10 Q Then what did you do?

11 A Then I handcuffed her.

12 Q With your cuffs?

13 A With my cuffs.

14 Q Then what did you do?

15 A We went to the female cell.

16 Q How long would you estimate you were in the
17 room from the moment you stepped in until the moment
18 you left that juvenile room?

19 A Couple of seconds.

20 Q Couple of seconds, is it two seconds or 20
21 seconds or something else?

22 A I just went in and handcuffed --
23 un-handcuffed her and then handcuffed her again and
24 left to do the search.

25 Q Did you have any conversations with Officer

1 DELFINA RIVERA

2 McCoy?

3 A No.

4 Q Did he say anything to you?

5 A No.

6 Q Did he say anything to Ms. Newkirk?

7 A No.

8 Q You didn't say anything to anybody?

9 A I didn't say anything to no one.

10 Q Then you indicated you brought her to a
11 female cell?

12 A Yes.

13 Q When you first approached Ms. Newkirk, how
14 would you describe her demeanor?

15 A She was fine.

16 Q So when you say fine, describe her for me.
17 Was she smiling, was she laughing, was she stoic, was
18 she serious or something else? Just describe her
19 demeanor.

20 A She was happy, smiling.

21 Q I'm sorry?

22 A Happy and smiling.

23 Q When you say happy, describe how you mean
24 by happy.

25 A She wasn't arguing, fighting.

1 DELFINA RIVERA

2 Q Other than her not arguing and not
3 fighting, is there anything else that lead you to
4 conclude she was happy?

5 A She was smiling.

6 Q Is that the only indication that lead you
7 to believe she was happy?

8 A Yes.

9 Q So then you brought her to the female
10 cell?

11 A Uh-huh.

12 Q Tell us what you did with her when you got
13 to the female cell.

14 A Then I uncuffed her and searched her.

15 Q Did you place her into the female cell?

16 A Yes. The female search -- the female cell,
17 it's a room with two cells. She was in -- outside
18 the cells in the little area with the doors closed.

19 Q You'll have to describe that for me. Just
20 describe the female cells and this other area you're
21 talking about.

22 A It's a room with two cells, but there's a
23 little space. There's a little area where you could
24 do the search there so they're not inside the
25 cells.

1 DELFINA RIVERA

2 Q So she's not literally within the cell?

3 A No.

4 Q So when you talked to us earlier about
5 there being a door that doesn't lock, were you
6 referring to this area as opposed to the actual
7 cell?

8 A Yes.

9 Q Okay.

10 The door that you were referring to, is
11 that a door with bars where you could see
12 through?

13 A No, it's a regular -- I believe it's a
14 metal door.

15 Q You can't see through?

16 A You can't see through.

17 Q Is that where female inmates are lodged, in
18 one of those two cells?

19 A Yes.

20 Q If somebody was lodged in one of those
21 cells, is there a matron assigned within that area;
22 in other words, how does anybody see the people in
23 the cells?

24 MR. BROWN: Let me withdraw the whole
25 question.

1 DELFINA RIVERA

2 Q From the outside, when I say outside, the
3 common area of the precinct, if you were to go and
4 reach for that door, to the left, are those the
5 cells?

6 A I'm sorry?

7 Q As you're facing the door that you're going
8 to open for the common area, if you look to the left,
9 is that a cell?

10 A As soon as you open the door, they're right
11 in front of the door.

12 Q So when somebody is lodged in the cell, can
13 somebody see the inmate from the common area
14 outside?

15 A No, the door is not closed, it's open. It
16 stays open. I just close it for the search.

17 Q When somebody is lodged, is there a matron
18 assigned to that inmate; do you know?

19 A I don't know.

20 Q So now in that common area within the door,
21 you said you performed the search?

22 A Yes.

23 Q How long did that search take, Officer?

24 A Probably two minutes, three minutes.

25 Q Two to three minutes?

1 DELFINA RIVERA

2 A Yeah.

3 Q During the search, did any other officer
4 have any contact with you?

5 A No.

6 Q Officer McCoy?

7 A No.

8 Q Officer Pav?

9 A No.

10 Q During the two to three minutes, did you
11 have any conversation with the arrestee?

12 A No, I don't recall.

13 Q You don't recall any conversation?

14 A No.

15 Q Go through the search of her that day.
16 What did you do starting?

17 A Checked her hair, her ear, her mouth, told
18 her to open her mouth, lift up her tongue and checked
19 the collar.

20 Q What was she wearing; do you recall?

21 A No.

22 Q Okay.

23 A (Continuing) Checked the collar, told her
24 to shake her bra without lifting it, making sure
25 there's nothing there. She lifted her arms. I

1 DELFINA RIVERA

2 checked the armpit. I checked her waistband,
3 checked, make sure she didn't have anything on her
4 legs and checked the toes, make sure there was
5 nothing in between the toes.

6 Q Anything else?

7 A No.

8 Q When you tell us that this is what you did,
9 is this from your recollection or that's just from
10 your procedure or something else?

11 A That's how I check.

12 Q Do you have a personal recollection of this
13 inmate and what you did that day?

14 A No, I don't.

15 Q After you did this search, what was the
16 next thing you did?

17 A I took her back to the room.

18 Q Returned her to that juvenile room?

19 A Correct.

20 Q How long does it take from the cell to the
21 juvenile room?

22 A Couple of seconds.

23 Q In route did you have any contact with any
24 other officer?

25 A No.

1 DELFINA RIVERA

2 Q This juvenile room, do you know what the
3 purpose of that juvenile room is?

4 A No.

5 Q Have you ever been instructed about a
6 juvenile room?

7 A No.

8 Q Have you ever utilized a juvenile room?

9 A No.

10 Q This inmate that we're talking about, was
11 she a juvenile?

12 A No, no.

13 Q When you say juvenile, do you know what a
14 juvenile is in terms of age for the Suffolk County
15 Police Department?

16 A 16.

17 Q So the arrestee that we're talking about
18 was over 16?

19 A (Witness nods head.)

20 Q You just have to say yes or no. Sorry.

21 A Yes.

22 Q So do you know why an adult would be
23 brought to the juvenile room?

24 A No.

25 Q Are there any practices or procedures or

1 DELFINA RIVERA

2 rules of the Suffolk County Police Department in
3 regards to placing someone in a juvenile room that's
4 not a juvenile?

5 MR. MITCHELL: I object to the form.

6 You can answer.

7 A No.

8 Q Now, you said that you brought her back to
9 the juvenile room. When you got to the juvenile
10 room, was anybody in the juvenile room?

11 A McCoy.

12 Q Officer McCoy?

13 A Correct.

14 Q Where was Officer McCoy when you brought
15 her back?

16 A In the room, don't know the location.

17 Q Specifically you don't where he was?

18 A No.

19 Q Do you know if he had changed his position
20 at all?

21 A I don't know.

22 Q Do you know if his clothing had changed in
23 any fashion?

24 A I don't know.

25 Q When you brought her back to the juvenile

1 DELFINA RIVERA

2 room, did you make eye contact with Officer McCoy?

3 A No.

4 Q Did you have any communication with him?

5 A No.

6 Q Nothing was said between you and Officer

7 McCoy?

8 A No.

9 Q All right.

10 What did you do when you brought her

11 back?

12 A I uncuffed her and then handcuffed her
13 where she was previously, where I previously found
14 her.

15 Q With your cuffs or somebody else's?

16 A The cuffs that were there.

17 Q Did you cuff her to the table?

18 A I don't recall.

19 Q Did you cuff her hands?

20 A Her hands.

21 Q Behind her or in front of her?

22 A When I put her back to the room?

23 Q Yes.

24 A It would be in front of her.

25 Q You uncuffed with your cuffs, I think,

1 DELFINA RIVERA

2 right, you said?

3 A Uncuffed her with my cuffs.

4 Q And then cuffed her in front with the cuffs
5 that were in the room?

6 A Right.

7 Q What happened then?

8 A I left the room.

9 Q Did you say anything to Officer McCoy?

10 A No.

11 Q When you left the room, where did you go?

12 A I did another search.

13 Q The other search, where was that search at?
14 I assume in the precinct, right?

15 A Yes.

16 Q Do you know where that other search was?

17 A It was in the detective's squad.

18 Q So that was a request by the squad?

19 A Yes.

20 Q Was that related to this at all?

21 A No.

22 Q The juvenile room that you've talked about,
23 is there a door to the juvenile room?

24 A I don't recall.

25 Q Do you recall if you opened or closed any

1 DELFINA RIVERA

2 door to get in or out of the juvenile room?

3 A No.

4 MR. MITCHELL: No, you don't recall?

5 THE WITNESS: No, I don't recall.

6 MR. MITCHELL: Okay.

7 Q When you went to do the search in the
8 squad, was that with a female as well?

9 A Yes.

10 Q How did you know to do that search? Did
11 somebody ask you?

12 A Yes.

13 Q Do you remember who?

14 A No.

15 Q Was it Officer McCoy?

16 A No.

17 Q After you did the search of that other
18 female for the squad, where did you go then?

19 A I went back to the safe lock.

20 Q To retrieve your weapon and taser?

21 A My taser.

22 Q Did you go back on the road?

23 A I went back on the road.

24 Q Now, you mentioned that you reviewed the
25 FBI report before you came in to testify today?

1 DELFINA RIVERA

2 A Yes.

3 Q When was the last time you reviewed that
4 report?

5 A Like a week ago.

6 Q Had you reviewed it prior to about a week
7 ago, as well?

8 A No.

9 Q So you reviewed the FBI report one time and
10 that was about a week ago?

11 A Yes.

12 Q The interview that you're talking about was
13 May 3, 2017; do you recall?

14 A I think so.

15 Q When you had that interview, do you recall
16 who you were interviewed by?

17 A No.

18 Q Was it an FBI agent, it was a U.S.
19 attorney, somebody else?

20 A FBI.

21 Q How many?

22 A There was two.

23 Q Did you have anybody with you; in other
24 words, did you have an attorney, a PBA trustee,
25 anybody like that?

1 DELFINA RIVERA

2 A No.

3 Q So you went in by yourself?

4 A They came to my residence.

5 Q So they spoke to you in your home?

6 A Uh-huh.

7 Q Did you speak inside your house, outside
8 your house or something else?

9 A Inside.

10 Q Was anybody with you when they were
11 speaking with you?

12 A No.

13 Q Any children, any spouse, anything like
14 that?

15 A They were in another room.

16 Q So you were by yourself?

17 A Yes.

18 Q Did you know they were coming to talk to
19 you that day?

20 A No.

21 Q Had they called ahead of time?

22 A No.

23 Q Did anybody from the Suffolk County Police
24 Department, I'm talking about officers, detectives,
25 PBA reps, anybody tell you that you may be visited by

1 DELFINA RIVERA

2 FBI agents before the May 3rd meeting?

3 A Not that I recall, no.

4 Q Did you talk to anybody before you spoke to
5 the FBI on May 3rd about how Ms. Newkirk appeared in
6 terms of her being happy, her demeanor? Did you have
7 this conversation with anybody, before May 3rd?

8 A No.

9 Q Before the May 3rd interview, did you have
10 any interactions with Officer McCoy, any
11 conversations with him?

12 A No.

13 Q When I say conversations, I mean
14 communications, whether it's telephone, whether it's
15 text messages, emails, anything?

16 A No.

17 Q How about Officer Pav, who is sitting to
18 your left?

19 A No.

20 Q Prior to this March 16th date, did you ever
21 search an arrestee of either Officer Pav or Officer
22 McCoy?

23 A I don't remember.

24 Q When you were called to do the female
25 search, is there any protocol in terms of how soon

1 DELFINA RIVERA

2 after that arrestee is brought to the precinct that
3 they should be searched?

4 MR. MITCHELL: I object to form.

5 You can answer.

6 A I don't know. I don't remember.

7 Q You've made arrests, you said, right?

8 A Uh-huh.

9 Q So when you have a female -- have you
10 arrested a female?

11 A Yes.

12 Q You've indicated that you perform this
13 empty-your-pocket search on the street?

14 A Yes.

15 Q When you arrest a female and you bring them
16 to the precinct, how soon after getting to the
17 precinct do you conduct the search of the female that
18 you've just described for us?

19 A I would lodge her in and then do the
20 search.

21 Q When you say lodge in, that's bringing her
22 to the desk sergeant?

23 A Yes.

24 Q Letting him do his interview with her?

25 A Yes, take her to the processing room.

1 DELFINA RIVERA

2 Q The processing room, would you handcuff her
3 to the table?

4 A Yes.

5 Q What would you do after that? Would you
6 secure your weapon?

7 A Yes, before.

8 Q Then you would begin your search?

9 A I would secure my weapon before I go to the
10 desk officer.

11 Q So just walk me through the steps you would
12 take to get to the search of the female if you were
13 the arresting officer.

14 A Okay. I would bring her in, tell them to
15 face the wall that is next to the safe where you
16 secure the weapons, secure my weapon and my taser and
17 then proceed to the sergeant.

18 Q How far is the sergeant from where you
19 would secure your weapon?

20 A Couple of feet, it's not far.

21 Q You bring her for the interview with the
22 desk sergeant?

23 A Uh-huh.

24 Q You just have to say yes or no. I'm sorry.

25 A Yes. Sorry.

1 DELFINA RIVERA

2 Q Generally how long would that interview
3 with the desk sergeant take?

4 A He would just ask questions. About a
5 minute or two.

6 Q One to two minutes?

7 A Yeah.

8 Q What would you do after the desk sergeant
9 interview?

10 A I would take her to the processing room.

11 Q What would you do then?

12 A I will handcuff her.

13 Q When you say handcuff, to the table?

14 A Yes.

15 Q How long does that take?

16 A Not much.

17 Q 30 seconds, 45 seconds?

18 A Yeah.

19 Q I'm sorry?

20 A 30 seconds, you can say.

21 Q After you cuff her to the table, what would
22 you do then?

23 A I would -- whatever I need to put in the
24 paperwork, the arrest paperwork and the log, write it
25 down and then I would uncuff her and take her to be

1 DELFINA RIVERA

2 searched.

3 Q When you say put whatever you have to do in
4 the paperwork work and the log, you mean the prisoner
5 activity log?

6 A Yes.

7 Q How long would that generally take?

8 A Like a minute.

9 Q At that point you would go uncuff her and
10 then search her?

11 A Uncuff her from the table and then handcuff
12 her and take her to the female cell and search her
13 there.

14 Q So from the minute you walk into the
15 precinct until you're actually searching the female,
16 how much of a time period would you estimate that to
17 be?

18 A From the minute, I'm sorry?

19 Q From the minute you walk in the precinct
20 with the inmate, the arrestee, until you're actually
21 searching them, how much time do you think would
22 actually elapse?

23 A No more than 10.

24 Q 10 minutes?

25 A No more than.

1 DELFINA RIVERA

2 Q The reason that you would want to search
3 them within that 10 minute time would be why?

4 MR. MITCHELL: I object.

5 You can answer.

6 A Make sure they don't have anything that
7 they could hurt anyone or themselves or others.

8 Q In this particular case, do you know if
9 anybody else was called earlier to do the female
10 search?

11 A No, I don't know.

12 Q But you indicated as soon as you were
13 called, you responded to the precinct within five
14 minutes or so?

15 A Correct.

16 Q Did you know Officer McCoy prior to this
17 date? I'll get to know of him, but did you
18 personally know him?

19 A No.

20 Q Did you know of Officer McCoy prior to this
21 date, meaning the March 16, 2017 date?

22 A I've seen him around.

23 Q How many times had you seen him?

24 A Probably five, if that, if I've seen him
25 that. It's more like crossing or seeing him in the

1 DELFINA RIVERA

2 parking lot.

3 Q Were you working two tours at that time?

4 A Yes.

5 Q Do you know if McCoy was working two tours
6 at that time?

7 A I don't know.

8 Q Had you known of his reputation on
9 March 16th of 2017?

10 A No.

11 Q Had you heard anything about him, whether
12 it was rumors, innuendos, anything about Mr. McCoy?

13 A No.

14 MR. BROWN: We're just going to make
15 a demand for Officer Rivera's memo book
16 page, one week prior to the incident up and
17 through and including the incident date.

18 MR. MITCHELL: I'll take it under
19 advisement.

20 Q I'm almost there, Officer. Famous last
21 words.

22 In terms of transporting an inmate, an
23 arrestee, are there any procedures for transporting
24 an inmate or arrestee to the precinct from the arrest
25 scene? Let's go with if you're working a solo car,

1 DELFINA RIVERA

2 is there a procedure where you would place the
3 inmate?

4 A You would let the dispatch know that you
5 have an arrest and the prisoner will be in the front.
6 If you're a single person, the prisoner will be in
7 the front with you and you will transport, put it on
8 the radio.

9 Q Front passenger seat?

10 A Front passenger seat.

11 Q If you were working with a partner, where
12 would the inmate be placed?

13 A It would be the officer -- I don't recall.
14 I'm always single car.

15 Q Were you taught this in the academy?

16 A Yes.

17 Q Before you became a Suffolk County police
18 officer, were you in any other police force?

19 A No.

20 Q Would the arrestee be in the back or the
21 front if you had a partner; do you know?

22 A I'm drawing a blank right now.

23 Q Okay.

24 MR. BROWN: I thank you very much for
25 your time, Officer Rivera.

1 DELFINA RIVERA

2 MR. MITCHELL: I just a couple of
3 questions.

4 EXAMINATION BY

5 MR. MITCHELL:

6 Q Officer Rivera, you said when you spoke to
7 these persons from the FBI, they came to your home?

8 A Right, yes.

9 Q You didn't know they were coming when they
10 came to your home, correct?

11 A Correct.

12 Q When you spoke to them, did they record
13 your conversation at all?

14 A No.

15 Q Did they take out a phone or a recording
16 device, put it on the table, tell you that they're
17 recording the conversation?

18 A No.

19 Q If they had recorded your conversation, did
20 you know whether they did or not?

21 A No, they didn't record.

22 Q You mentioned that when you first came into
23 the juvenile room, you said that she was happy and
24 smiling; is that right?

25 A Correct.

1 DELFINA RIVERA

2 Q When you brought her into the female
3 cellblock area to search her, what was her demeanor
4 there when she was in the cellblock area?

5 A She was happy.

6 Q During the period of time that you searched
7 her, I know Mr. Brown asked if you had any
8 conversations with her. Do you have any recollection
9 of whether you spoke to her or not?

10 A It would probably be something like if
11 she -- I don't recall the exact words, but it was
12 more like "if I wasn't in the house, they wouldn't
13 catch me."

14 Q So you think she said something to you, you
15 just don't remember?

16 A I just don't remember.

17 Q Would you have given her some instructions
18 in relation to the search?

19 A Yes.

20 Q Are the instructions pretty much the same
21 regardless of who you're searching?

22 A Yes.

23 Q When you were there searching her, did you
24 have any reason to believe she was in distress at
25 all?

1 DELFINA RIVERA

2 A No.

3 Q Did you have any reason to believe that she
4 may have been abused at that point?

5 A No.

6 Q Do you have any reason to believe she may
7 have been afraid at that point?

8 A No.

9 MR. MITCHELL: I have nothing
10 further.

11 FURTHER EXAMINATION BY

12 MR. BROWN:

13 Q Officer, Mr. Mitchell asked you about any
14 statements and I had asked you if you had any
15 communications with Ms. Newkirk. Do you recall me
16 asking you that?

17 A I do.

18 Q I think you said that you don't recall
19 having any conversations with her?

20 A Uh-huh.

21 Q Between the minute I asked you if you had
22 any conversation with her and Mr. Mitchell's
23 questioning just now, what is it that leads you to
24 recall that she said something in sum and substance
25 "If I wasn't in the house, they would not have caught

1 DELFINA RIVERA

2 me?"

3 A Just thinking about everything that's going
4 on.

5 Q So as I'm questioning you and asking you
6 questions, you were able to recall that phrase?

7 A Yes.

8 Q The phrase "If I wasn't in the house, they
9 would have not caught me," was that noted anywhere in
10 your paperwork?

11 A No.

12 Q Was that phrase told to the FBI agents when
13 they questioned you at your home?

14 A I don't remember.

15 MR. MITCHELL: You don't remember if
16 you told the FBI?

17 A I don't remember if I told the FBI.

18 Q This phrase that you said she said, "If I
19 wasn't in the house, they wouldn't have caught me,"
20 did you relay that to the arresting officers?

21 A No.

22 Q Is there a reason you didn't tell the
23 arresting officers that?

24 A No reason.

25 Q In the police academy, are you trained in

1 DELFINA RIVERA

2 filling out paperwork?

3 A Yes.

4 Q Are you familiar with what is called a
5 Huntley Notice or a notice pursuant to 710.30? Have
6 you ever received training in a Huntley Notice?

7 A Not that I recall.

8 Q Were you trained in what is called
9 incriminating statements in the academy; in other
10 words, when you're investigating a crime or you're
11 involved in an investigation, do they teach you about
12 when a subject makes an incriminating statement? Did
13 they talk to you about that?

14 A I don't recall.

15 Q Did they talk to you about making notations
16 about incriminating statements in the academy?

17 A Incriminating statements?

18 Q Yes.

19 A Lying.

20 Q Well, no, lying is not necessarily
21 incriminating. In other words, if somebody makes a
22 statement that would help prove the case, have you
23 ever been taught about noting that down in the
24 academy?

25 A I don't recall.

1 DELFINA RIVERA

2 Q Okay.

3 Were you taught in the academy at all about
4 what is called a Huntley Notice, in other words, when
5 a defendant makes an incriminating statement?

6 A I don't recall.

7 MR. BROWN: All right, I have nothing
8 further.

9 Thank you.

10 MR. MITCHELL: Nothing for me.

11 -oOo-

12 (Time noted: 10:46 a.m.)

13

14

15 DELFINA RIVERA

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17 Subscribed and sworn to
before me this _____ day
18 of _____ 2020.

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NOTARY PUBLIC

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I N D E X

WITNESS	EXAMINATION BY	PAGE
Delfina Rivera	Mr. Brown	4
		61
	Mr. Mitchell	59

R E Q U E S T S

DESCRIPTION	PAGE
Production of Officer Rivera's memo book page one week prior up to and including the date of the incident	57

C E R T I F I C A T E

STATE OF NEW YORK)

: SS:

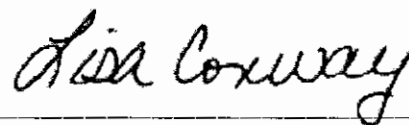
COUNTY OF NASSAU)

I, LISA CONWAY, a Shorthand Reporter and
Notary Public within and for the State of New York,
do hereby certify:

That DELFINA RIVERA, the witness whose
deposition is hereinbefore set forth, was duly sworn
by me, and that such deposition is a true record of
the testimony given by such witness.

I further certify that I am not related to any
of the parties to this action by blood or marriage,
and that I am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 11th day of March, 2020.



LISA CONWAY